



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 29, 1994

Ms. Annette Jones  
Police Legal Advisor  
City of Waco  
Legal Services  
P.O. Box 2570  
Waco, Texas 76702-2570

OR94-198

Dear Ms. Jones:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code chapter 552. We assigned your request ID# 24456.

The City of Waco (the "city") has received a request for information regarding two city police officers. Specifically, the requestor seeks the following information regarding Mike Trantham and Don Lillard:

1. Salary/wages
2. Any past, present, or pending complaints, investigations, lawsuits, etc., naming [the two officers] or their Department in affiliation with either of them
3. Work history: date of employment, promotions, demotions, work evaluations, psychological evaluations, disciplinary reports
4. Personal history: full name, date of birth, place of birth, social security [number], address, phone number.

You indicate that you have made some of the requested information available to the requestor. You seek to withhold the remaining information under sections 552.101 and 552.117 of the act.

You advise us that the request for information was referred to the director of civil service pursuant to section 143.089(g) of the Local Government Code and that some of the information contained in the civil service file has been made available to the requestor, including information regarding the police officers' salaries, work history, personal history and information relating to complaints against the officers that resulted in disciplinary action. In addition, you advise us that some of the requested information does not exist in the police officers' civil service files, namely, information relating to lawsuits involving the two police officers and psychological and work evaluations. You are silent, however, as to whether such information is maintained by the city anywhere other than in the police officers' civil service files. To the extent that such information exists in the police officers' departmental personnel files, it is made confidential by section 143.089(g) of the Local Government Code and must not be released. *See City of San Antonio v. Texas Attorney General*, 851 S.W.2d 946, 949 (Tex. App.--Austin 1993, writ denied); Open Records Decision No. 562 (1990).<sup>1</sup>

You also seek to withhold some of the requested information under section 552.117 of the act, which excepts

(1) the home address or telephone number of:

(A) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024; or

(B) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code; or

(2) the home address, home telephone number, or social security number of an employee of the Texas Department of Criminal Justice, or the home or employment address or telephone number, name, or social security number of a family member of the employee.

Gov't Code § 552.117. Section 552.024 of the act provides that section 552.117 is applicable only when an employee indicates in writing that he or she does not want his or her home address or telephone number disclosed. A peace officer, however, need not indicate in writing that he or she does not want his or her home address or telephone number disclosed. *See generally* Open Records Decision No. 488 (1988). Such information is expressly excepted from required public disclosure by section

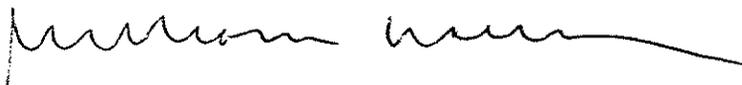
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<sup>1</sup>If the city maintains such information in a place other than the police officers' departmental personnel file, such information must be released unless it falls within any of the act's exceptions to required public disclosure. We assume for purposes of this ruling, however, that such information, to the extent that it exists, is not in the possession of the city anywhere except in the police officers' departmental personnel files.

552.117(1)(B) and must not be released. We assume both of the subjects of the request at issue here are peace officers. Accordingly, the city is prohibited by section 552.117(1)(B) from releasing their home addresses and home telephone numbers.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



William Walker  
Assistant Attorney General  
Open Government Section

WMW/GCK/rho

Ref.: ID# 24456

cc: Mr. Mark A. Coker  
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